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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,564	12/05/2001	Akira Takahashi	70904-56737	7094
21874	7590	05/27/2005	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2652	
DATE MAILED: 05/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,564

Applicant(s)

TAKAHASHI ET AL.

Examiner

Allen T. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-19 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10-19 is/are allowed.
- 6) ☒ Claim(s) 27-30, 32, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 31 and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/04 & 12/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "separating means, thus unlocking the disc" in claim 29, lines 4-8 is vague and indefinite because it is confusing as to how the projected section (the projected section is belong to the disc cover and formed along the side wall of the disc cover) can push one end of the disc holding lock (the holding lock also is belong to the disc cover and is the connecting means and the one end of the disc holding lock is positioned in a ditch provided on a side wall of the disc cover), thus unlocking the disc.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27, 29-30, 32 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by the patent abstract and figures 1-5 of JP (04-067486).

JP ('486) discloses s disk cartridge (figures 1-5) having a disc 8 in a disk shaped, inherently including a recording layer for recording/reproducing information; a disk cover (a cover member including numerals 1-7 and 9-10) for covering at least a surface for recording/reproducing, which is accessed by a head for recording/reproducing information with respect to the disc (PURPOSE, lines 1-3); and connecting means (flanges 9 and 10) for connecting the disc and the disc cover; wherein a side of the disc, which is opposite to the side of the disc covered by the disc cover, is exposed

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externally (figures 1-5), the connecting means (9 and 10) is a disc holding lock provided on the disc cover for mechanically holding an outer circumference part of the disc (figure 2), and one end of the disc holding lock is positioned in a ditch (a groove next to the opening 6 of the disc cover) provided on a side wall of the disc cover (figures 1 and 2) as set forth in claims 27 and 32. JP ('486) also discloses a shutter 5 for switching an open position in which the surface for recording/reproducing of the disc is exposed and a closed position (figure 2 = closed; figure 3 = open) as recited in claim 32.

Regarding claims 29-30 and 36-37, Official has been taken that all disk drive for using the disc cartridge has a head and a shutter opening/closing means as claimed in the claims.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('486).

Regarding claim 28, JP ('486) discloses that the disc cover has a side wall formed around an outer circumference thereof; however, JP ('486) does not disclose that the side wall is projected toward the disc.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the side wall of the disc cover of JP ('486) projected

toward to the disc in order to secure the disc with respect to the disc cover, thus improve the structural relationship characteristics between the disc and the disc cover.

6. Claims 31 and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

a) The prior art of record neither discloses nor suggests the disc cartridge as claimed in claim 27 having further limitations of that the connecting means is the disc holding lock that is provided on the disc cover and is rotated arbitrarily, and the opposite end of the disc holding lock switches a rotation angle in the outer circumference part of the disc so that the disc is locked or unlocked, as recited in claim 31.

b) The prior art of record neither discloses nor suggests the disc cartridge as claimed in claim 32 having further limitations of that the connecting means is a hub holding notched section of the shutter, and when the shutter is closed, the hub holding notched section causes a hub provided in an inner circumference part of the disc to be hooked and fixed therein, and the shutter is locked by being hooked and fixed inside the disc cover as set forth in claim 33.

8. Claims 1-6 and 10-19 are allowed.

9. The following is an examiner's statement of reasons for allowance:

The prior art of record neither discloses nor suggests the disc cartridge as set forth in claim 1 with the particularly limitations of "the disc has a disc projected section in

an inner circumference part of the discs the disc projected section being projected toward the disc cover, the connecting means is a movable projecting section provided on the disc covers and one end of the movable projecting section is inserted in or pulled out with respect to a recessed section provided on a side wall of the disc projected section, and when the one end of the movable projecting section goes into the recessed section- an opposite end of the movable projecting section is hooked and stopped by a recessed hooked section inside the disc cover".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao
Primary Examiner

AC
May 23, 2005